

February 23, 2021

Re: Notice of Relatedness:

(1) *Stansell v. Revolutionary Armed Forces of Colombia ("FARC")*, No. 1:16-mc-00405 (S.D.N.Y.) (Schofield, J.);

(2) *Pescatore v. Juvenal Ovidio Ricardo Palmera Pineda*, Case No. 1:18-mc-00545 (S.D.N.Y.) (Engelmayer, J.);

(3) *Caballero v. FARC*, No. 1:20-mc-00249 (S.D.N.Y.) (Nathan, J.)

Via Electronic Filing

The Honorable Lorna G. Schofield  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 1106  
New York, NY 10007

The Honorable Paul A. Engelmayer  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 1305  
New York, NY 10007

The Honorable Alison J. Nathan  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 906  
New York, NY 10007

Dear Judge Schofield, Judge Engelmayer, and Judge Nathan:

We write on behalf of garnishees Citibank N.A., JPMorgan Chase Bank, N.A., and Sumitomo Mitsui Banking Corporation (the "Garnishees"), which have been served with writs of execution in two or all three of the above-referenced judgment enforcement actions.<sup>1</sup> Pursuant to Rule 13(b)(3) of the Rules for the Division of Business Among District Judges for the Southern District of New York, we respectfully submit that these matters are related and should be assigned to a common judge. The *Stansell* and *Pescatore* matters previously were deemed related, and the *Pescatore* case was accordingly re-assigned to the Honorable Andrew Carter on

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<sup>1</sup> Although the two writs of execution originally served on JPMorgan in the *Stansell* and *Pescatore* matters were recently withdrawn, those withdrawals were without prejudice to the re-serving of the writs, and JPMorgan is also expected to be served soon with a new writ in the *Caballero* matter.

August 25, 2020. Those matters were recently reassigned to Judge Schofield and Judge Engelmayer, respectively, following an order of recusal on February 16, 2021. The *Caballero* matter was filed on July 6, 2020 and assigned to Judge Nathan.<sup>2</sup>

The Garnishees respectfully submit that the interests of justice and efficiency would be best served by centralizing the referenced actions before a single judge of this District. Plaintiffs in each of the three actions seek to satisfy their judgments against the FARC terrorist organization using funds held by the Garnishees in accounts that have been blocked (the “Blocked Accounts”) pursuant to sanctions regulations administered by the Office of Foreign Assets Control (“OFAC”). Because plaintiffs are targeting many of the same Blocked Accounts in all three cases, the three actions present many common legal and factual questions concerning the ownership interests in the Blocked Accounts, the alleged “agency or instrumentality” status of the individuals or entities causing the accounts to be blocked, and the Garnishees’ entitlements to interpleader relief, among others. Having these cases proceed before three separate judges creates the potential for inconsistent rulings on these issues, and will require duplicative proceedings that will increase the burden and expense on the Garnishees, who are merely neutral stakeholders. Accordingly, the Garnishees respectfully request that the actions be treated as related and assigned to a single judge of this District.

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<sup>2</sup> The Garnishees note that, following Judge Carter’s recusal, Judge Nathan is the only currently assigned judge who has issued any substantive rulings in these three cases. The Honorable J. Paul Oetken had previously presided over the *Pescatore* case before it was related to the *Stansell* case, during which time he also had ruled on plaintiffs’ motions for issuance of writs.

Respectfully submitted,

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cc: Counsel of Record (via ECF)